

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

OPERATING ENGINEERS' LOCAL 324 PENSION  
FUND, OPERATING ENGINEERS' LOCAL 324 HEALTH  
CARE PLAN, OPERATING ENGINEERS' LOCAL  
324 VACATION & HOLIDAY FUND, OPERATING  
ENGINEERS' LOCAL 324 RETIREE BENEFIT FUND,  
OPERATING ENGINEERS' LOCAL 324 APPRENTICESHIP  
FUND, and OPERATING ENGINEERS' LOCAL 324  
DEFINED CONTRIBUTION PLAN,  
Trust Funds Established and Administered

Plaintiffs,  
v.  
Case No. 05-73682  
Hon. PATRICK J. DUGGAN

VULCAN IRON WORKS, INC., a Michigan  
Corporation, VULCAN IRON, LLC., a Michigan  
Limited Liability Company, JIM R. EDWARDS,  
and MICHAEL A. JOHN JR., Individually.

Defendants.

DAVID J. SELWOCKI P51375  
ALEXANDRA C. AKAS P64004  
Sullivan, Ward, Asher & Patton, P.C.  
Attorneys for Plaintiffs  
1000 Maccabees Center  
25800 Northwestern Highway  
PO Box 222  
Southfield MI 48037-0222  
248.746.0700

**CONSENT JUDGMENT**

At a session of court held in the City of Detroit,  
Wayne County, Michigan on October 4, 2005.

PRESENT: Hon. Patrick J. Duggan  
U.S. District Court Judge

Defendants, VULCAN IRON WORKS, INC., by and through its President, Jim R. Edwards; VULCAN IRON, LLC., by and through its managing member, Jim R. Edwards, and

JIM R. EDWARDS, individually, consent to entry of a Judgment in favor of Plaintiffs in the amount of Fifteen Thousand Ninety Six and 40/100 (\$15,096.40) Dollars.

The above named Defendants also consent to Plaintiffs moving to have this Honorable Court amend this Consent Judgment to include the mandates of 29 USC §1132(g)(2) plus liquidated damages pursuant to the Collective Bargaining Agreement upon further submissions to the Court by Plaintiffs. Said mandates of 29 USC §1132(g)(2) include:

- A. Interest on the unpaid contributions;
- B. An amount equal to the greater of:
  - i. interest on the unpaid contributions; or
  - ii. liquidated damages provided for under the plan.
- C. Reasonable attorney fees and costs of the action; and
- D. Such other legal or equitable relief as this court deems appropriate.

It is further consented and therefore ordered, that the Corporate Defendant will undergo an audit and this Judgment will be amended to conform with same.

It is also further consented to and thereby ordered that this Honorable Court maintain jurisdiction of this matter until the Judgment amount is satisfied.

s/PATRICK J. DUGGAN  
U.S. District Court Judge

s/ David J. Selwocki w/signed consent of  
Jim R. Edwards, President  
Vulcan Iron Works, Inc.

s/ David J. Selwocki  
David J. Selwocki P51375  
Attorney for Plaintiffs

s/ David J. Selwocki w/signed consent of  
Jim R. Edwards, Managing Member  
Vulcan Iron, LLC

s/ David J. Selwocki w/signed consent of  
Jim R. Edwards, Individually